



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/966,845	09/28/2001	Barbara J. Boe	065027.0103	4972
5073	7590	09/06/2006	EXAMINER	
BAKER BOTTS L.L.P.			RETTA, YEHDEGA	
2001 ROSS AVENUE			ART UNIT	
SUITE 600			PAPER NUMBER	
DALLAS, TX 75201-2980			3622	

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/966,845

**Applicant(s)**

BOE ET AL.

**Examiner**

Yehdega Retta

**Art Unit**

3622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) 29-87 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                    | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed May 31, 2006. Claims 1, 10, 15, 20 and 23 have been amended. Claims 1-28 are still pending.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-9, 11-19, 22, 26 and 27 are rejected under 35 U.S.C. 102(e) as being clearly anticipated by Williams et al. (US 5,999,918).

Regarding claim 1, Williams teaches storing data associated with the responses to customer questions (see fig. 6a-6e and col. 14 line 62 to col. 15 line 12); providing the customer with a feedback page, graphically illustrating data associated with the customer's standing in a selected peer group associated with the customer (group of people sharing the same or similar demographics; same age, same income, same goal) (see fig. 1h and col. 15 line 45 to col. 16 line 19); providing the customer with options operable to adjust the customer's actual demographic to a hypothetical demographic; receiving and processing the data and displaying feedback information, graphically illustrating hypothetical standing of the customer within the selected peer group such that the customer can see the effect of the hypothetical demographic changes (see fig. 1i-1l, col. 9 line 5 to col. 10 line 32 and col. 16 lines 14- 49).

Regarding claims 2-7, Williams teaches wherein the customer questions comprise a primary set of question and secondary set of questions; wherein the primary set of questions relates to customer's demographic including personal information about the customer; wherein the secondary set of questions forms a plurality of survey sections related to business products or customer's psychographic traits; question provided based on response to previous questions; feedback page generated based on the customer responses , etc, (see fig. 6a-6e, col. 9 line 36 to col. 10 line 12).

Regarding claims 8 and 9, Williams teaches presenting the customer with online option associated with an opportunity to gain pertinent information related to and apply for a purchase products or services; sending a message to a business offering the products or services regarding the request for the product or services (see col. 10 lines 1-59).

Regarding claim 11, Williams teaches providing a business where the customer is identified as a particular existing customer of the business (see fig. 6 enrollment).

Regarding claims 13 and 14, Williams teaches providing goal planners to the customer; wherein the planners include output graphics that change in real time in response to changes in the input of the goal planners (fig. 1a-1j).

Regarding claims 16 and 17, Williams teaches wherein customer question provided is chosen based on response to previous questions; feedback page generated based on the customer responses (see fig. 6a-6e, col. 9 line 36 to col. 10 line 12).

Regarding claims 18 and 19, Williams teaches presenting the customer with online option associated with an opportunity to gain pertinent information related to and apply for a purchase

products or services; sending a message to a business offering the products or services regarding the request for the product or services (see col. 10 lines 1-59).

Regarding claim 22, Williams teaches the system further operable to generate data sets for display based on data accessed in at least one table wherein the data assessed by the system is associated with the specific business or customer (see col. 9 line 5 to col. 10 line 23).

Regarding claims 26 and 27, Williams teaches receiving goal input data from the customer and storing the input data (see col. 9 lines 5-35, col. 11 line 21 to col. 12 line 23).

### ***Claim Rejections - 35 USC § 103***

Claims 10, 12, 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US 5,999,918) further in view of Official Notice.

Regarding claims 10 and 20, Williams teaches customer identification number (name) and matching the number to a data, however failed to teach matching a business identification number to a data and generating data sets for display based on the data in the table. Williams teaches the system being connected to remote computer located at the site of brokerage firm authorized to accept and execute securities transactions for the users of the present invention and the remote computer in communication with various stock exchange computers (see col. 10 lines 50-59). It would have been obvious to one of ordinary skill in the art at the time of the invention for Williams' system to receive the business identification (such as name or number i.e., brokerage firm or stock exchange system) and matched it to the stored data based for the purpose of identifying the brokerage firm used by the user.

Regarding claims 12 and 21, Williams does not teach providing percentage completion and data of the most recent visit to the survey. Official notice is taken that is old and well known in the art of collecting data to provide percentage of completed question ant the date of the last visit. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide such information for the purposed of informing the user whether he/she wants to complete or update the profile.

Claims 23-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones, III et al. (US 6,925,441) further in view of Marsh et al. (US 5,848,397).

Regarding claim 23 Jones teaches a business interface operable to interact with a data processing system associated with a business; a customer interface operable to interact with a data processing system associated with a customer (see fig. 4); a survey system operable to supply the business data processing system with a targeted marketing reports, the targeted marketing reports dynamically generated based on a set of decision rules, the set of decision rules (see col. 13 line 19 to col. 14 line 8) dynamically generated based on data received from the customer (see fig. 7-11, fig. 14, col. 6 line 38 to col. 7 line 45, col. 9 line 7-58). Jones teaches an integrated database comprises demographic, credit, transactional, lifestyle preferences, and response-to-offers history of a wide variety of consumers. The neutral agent selecting superior product offers targeted to the individual consumer based on his demonstrated purchase behavior of all observed products and services, and the consumer's economic and demographic characteristics (see col. 4 lines 40-55, col. 9 lines 55-58). Jones failed to explicitly teach the demographic data being received directly for the consumer, it is taught in Marsh. Marsh teaches the advertisement distribution scheduler used to target advertisements to

Art Unit: 3622

particular users based on demographic information stored in a database management system, the demographic information obtained by having a user complete a survey (directly from the consumer). Marsh also teaches the profile including such information as the user's hobbies, interests, employment, education, sports, age and gender (see col. 3 lines 12-37). Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to receive the customer data directly from the consumer (through survey). One would be motivated to include a survey in Jones targeted marketing for the intended purpose of collecting user's demographic data, such as user interests, preference, etc, as taught in Marsh.

Regarding claim 24, Jones teaches wherein the targeted marketing reports comprise of probability associated with at least one customer regarding the likelihood that the customer will purchase a specific product or service (see col. 9 lines 33-55).

Regarding claim 25, Jones teaches the system further operable to generate targeted advertisements for each customer based on data in the targeting marketing reports (see col. 15 line 1 to col. 16 line 36).

Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Williams et al. (US 5,999,918) further in view of Jones, III et al. (US 6,925,441).

Regarding claim 28, Williams does not teach the system operable to generate targeted advertisements for each customer based on data received from the customers, it is taught in Jones (see col. 15 line 1 to col. 16 line 36). It would have been obvious to one of ordinary skill in the art at the time of the invention to provide generate targeted advertisements for intended purpose of providing the customer with products or services that is likely to purchase.

***Response to Arguments***

Applicant's arguments filed May 31, 2006 have been fully considered but they are not persuasive. Regarding claims 1-9, 11, 13-19, 22, 26, 27 and 28, applicant argues that Williams fails to disclose any association with a selected peer group or how the hypothetical changes affect a hypothetical standing of the consumer within that selected group. Examiner disagrees. William teaches user, entering data such as (date of birth, gender, income, etc., see fig. 6a). William also teaches standing of the consumer with group of people sharing the same or similar demographics; same age, same income, same goal (see fig. 6b) (typical retirees find they can on 80% of their pre-retirement income, for you that would be \$80,000 per year or \$6,670 per month. Williams also teaches providing the customer with options operable to adjust the customer's actual demographic to a hypothetical demographic (retirement income needs (80%), type in the estimate that seems right for you, ... (fig. 6b, see also fig. 1h, 1i).

Regarding claims 23-25, applicant argues that Jones does not teach the data received directly from the customers. As stated above Jones teaches purchase behavior of all observed products and services, and the consumer's economic and demographic characteristics however failed to indicate it was received directly from the consumer, Jones was introduced for the teaching of collecting demographic data through survey.

Regarding claim 10, 12, 20 and 21, applicant asserts that the claims are amended to be dependent claims and the independent claims are shown to be patentably distinct from Williams. Examiner has already indicated above that the independent claims do not overcome the Williams reference. Applicant also requested for the examiner to cite documentation to support the taking of the official notice. Applicant does not indicate that the feature is not well known however



requests the Examiner to provide a support. Mere request of a reference or document to support the Official Notice is not adequate and does not shift the burden to the examiner to provide evidence in support of the Official Notice. Examiner provided a proper prima facie conclusion of obviousness, therefore the Examiner's taking of Official Notice has been maintained and since applicant does not reasonably traverse the well known statement, then it is an admitted art.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

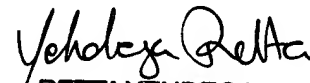
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yehdega Retta whose telephone number is (571) 272-6723. The examiner can normally be reached on 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

YR

  
RETTA YEHDEGA  
PRIMARY EXAMINER